

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence and the documents referred to as enclosed therein are being transmitted electronically to Commissioner for Trademarks on this 3rd day of December, 2003 via the Trademark Trial and Appeal Board's ESTTA.

Caroline G. Chicoine

Trabelco, N.V.

Opposer,

v.

MVP Media, Inc.

Applicant.

Opposition No. _____

Directed to Serial No. 76/413,808

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

NOTICE OF OPPOSITION

Trabelco, N.V. ("Opposer"), a company organized and existing under the laws of the country of Netherland Antilles, believes that it will be damaged by registration of the mark GPX in International Class 9 for "electronic publications, namely periodicals featuring information related to video games recorded on computer media" and in International Class 16 for "printed periodicals in the field of video games", as shown in Application Serial No. 76/413,808 ("Application"), filed by MVP Media, Inc. ("Applicant") and hereby opposes same.

As grounds for its opposition, Opposer hereby alleges as follows:

COUNT I (Likelihood of Confusion)

1. Applicant seeks to register GPX as a trademark for electronic publications, namely periodicals featuring information related to video games recorded on computer media in International Class 9, and printed periodicals in the field of video games in International Class 16 as shown by publication in the Official Gazette on June 3, 2003.

03 DEC -3 PM 3:14

RECEIVED
COMMERCIAL
AND
INDUSTRIAL
PROPERTY
DIVISION
U.S. PATENT
AND
TRADEMARK
OFFICE

2. Since at least as early as January 1, 1982, Opposer has continuously used in interstate commerce marks consisting solely or in part of the word "GPX", as trademarks on and in connection with consumer electronic products.

3. Opposer is owner of the following United States trademark application and registrations incorporating its GPX mark:

Mark	Application/ Registration Number	First Use In Commerce	Goods/Services
GPX and Design	76/374,680	July 1, 2002	Consumer audio and video electronic products, namely, phonographs, compact disc players, audio and video receivers, audio and video amplifiers, walkie-talkies, audio speakers, headphones, microphones, audiotape cassette players and recorders, audiotape dual cassette recorders, audio graphic equalizers, remote control units for radios, audiotape cassette players, videotape cassette players, DVD players, MP3 players, and televisions; vide cassette players, recorders, and rewinders; radios; radio antennas; televisions; telephones; telephone equipment, namely, caller identification boxes; DVD layers; MP3 recorders; citizen band radio transceivers; electronic personal communication device, namely, two-way radio for use on specified frequency waves for communications between families or small groups.
GPX	2,656,489	January 1, 1982	Consumer audio and video electronic products, namely, phonographs, compact disc players, audio and video receivers, audio and video amplifiers, walkie-talkies, audio speakers, headphones, microphones, audiotape cassette players and recorders, audiotape dual cassette recorders, audio graphic equalizers, remote control units for radios, audiotape cassette players, videotape cassette players, DVD players, MP3 players and MP3 recorders, televisions, video cassette players, recorders and rewinders; radio antennas; telephones; telephone equipment, namely, caller identification boxes; citizen band radio transceivers; electronic personal communication device, namely, two-way radio for use on specified frequency waves for communication between families or small groups.

This application and registration are valid and in good standing.

4. Opposer has promoted and sold its goods and services in interstate and intrastate commerce under its GPX marks since long prior to any alleged use by Applicant of the mark for which it seeks registration.

5. As a result of the use, promotion, and advertising of Opposer's GPX marks, said marks have become well known to the trade and to the public, and have accordingly acquired significant goodwill. Opposer's GPX trademarks identify and distinguish Opposer's goods from the goods of others, and identify the source and origin thereof to both the trade and the public.

6. Opposer has expended considerable effort and expense in promoting its GPX marks and the goods sold under its GPX marks, with the result that the purchasing public has come to know, rely upon, and recognize the goods of Opposer by its GPX marks. Opposer has an exceedingly valuable goodwill established in its GPX marks.

7. Long prior to the filing of the Application, Opposer's GPX marks have been used and promoted in such a way as to create a public perception of the GPX marks as an indication of source, and Opposer's GPX marks continue to be used and promoted in such a way.

8. Upon information and belief, Applicant has made no use of the mark for which it seeks registration, nor of any word, letter or design confusingly similar thereto as a trademark or service mark, in the U.S. prior to the date Opposer first used its GPX mark.

9. Applicant's registration and use of its GPX mark is likely to cause confusion in the minds of the trade and of the public that Applicant's goods emanate from or are licensed, sponsored or otherwise authorized by Opposer, whereas in fact they are not.

10. The mark for which Applicant seeks registration so resembles Opposer's GPX marks previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's goods, to cause confusion or to cause mistake or to deceive, and is an attempt to deceive the public and to benefit from the reputation and goodwill developed by Opposer.

11. Opposer will be injured and damaged by the granting to Applicant of the registration for the mark for which registration is sought, because such mark, when applied to the goods of Applicant:

- a) is likely to cause confusion, or to cause mistake, or to deceive;
- b) falsely suggests a connection with Opposer; and
- c) will damage Opposer's valuable goodwill in its GPX marks.

12. By reason of the foregoing, Applicant is not entitled to the registration of the trademark sought by its application.

COUNT II (Dilution)

13. Opposer incorporates the allegations of paragraphs 1 through 12 above as this paragraph 13.

14. Opposer's GPX marks have become famous as that term is defined 15 U.S.C. §1125(c).

15. Opposer will be injured and damaged by the granting to Applicant of the registration for the mark for which registration is sought, because such mark, when applied to the goods of Applicant:

- a) will damage Opposer's valuable goodwill in its GPX marks; and
- b) will dilute the distinctive quality of Opposer's family of famous GPX marks.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and the application for registration be denied.

The TTAB is hereby authorized to debit our Account 20-0823 for the \$600.00 filing fee and if this is not the correct amount, for any deficiencies, or to credit any excess thereto.

Respectfully,

Thompson Coburn LLP

By: /Caroline G. Chicoine/
Caroline G. Chicoine
Mark Sableman
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000 (Telephone)
(314) 552-7000 (Facsimile)